

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-10951-RWZ

SMITH & NEPHEW, INC.

v.

INTERLACE MEDICAL, INC.

ORDER
August 31, 2011

ZOBEL, D.J.

Defendant filed a tripartite “Emergency Motion” to (1) strike plaintiff’s final infringement contentions, (2) compel service of amended final infringement contentions, and (3) extend time to file final non-infringement and invalidity contentions (Docket # 49). The court endorsed the motion “allowed” which counsel find wanting. Thus, it is ordered that plaintiff’s final infringement contentions are stricken and plaintiff shall file, on or before September 9, 2011, infringement contentions based on the claims of the patent as construed by the court, not on configurations of the accused device. Defendant shall file its final non-infringement and invalidity contentions on or before September 23, 2011.

Defendant’s motion to file a reply brief (Docket # 7) is allowed.

The court approves the parties joint proposed scheduling order (Docket # 61).

August 31, 2011
DATE

/s/Rya W. Zobel
RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE